

MANSFIELD TOWNSHIP COMMITTEE MEETING

April 27, 2016

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Misertino, Mr. Watters, Mr., Clancy, Mrs. Korczukowski, Mayor Kocher

Salute to flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Clancy made a motion to approve the minutes with stated correction from the Regular meeting held on April 13, 2016, which was seconded by Mr. Watters.

Ayes: Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None

Absent: None

Abstain: Mr. Misertino, Mrs. Korczukowski

Mr. Clancy made a motion to approve the Executive Session minutes from April 13, 2016 1 and 2, seconded by Mayor Kocher

Ayes: Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None

Absent: None

Abstain: Mr. Misertino, Mrs. Korczukowski

BILL LIST:

Mr. Watters questioned the travel charge on Honeywell's bill. Mr. Watters requested we hold this bill until this can be verified.

Mr. Clancy made a motion to approve the bill list with both addendums but without the Honeywell bill, seconded by Mr. Misertino.

Mr. Watters questioned the percentage being charged on bill addendum #1.

Mr. Finelli provided an explanation of these charges.

Ayes: Mr. Watters, Mr. Clancy, Mayor Kocher, Mr. Misertino, Mrs. Korczukowski

Nays: None

Absent: None

Abstain: None

FINANCE REPORT:

Charles Daniels mentioned the notification by Division of Local Government Services that due to State exam reviews the budget would be delayed. A list of questions was sent and responses provided so we cannot adopt budget until we hear back.

EMPLOYEES REPORTS:

JoAnn Fascenelli had nothing to report.

ENGINEERS REPORT:

Mr. Finelli discussed meeting with Mr. Duarte and Mr. Lavery to review drainage project. A few changes were requested and waiting for approval.

Mr. Finelli responded to some DEP Watters Rd questions anticipating an approval soon.

Mr. Finelli stated the Meadows is moving along.

Mr. Finelli sent final salt shed punch list to Mr. Samson a few weeks ago with follow up meeting in field last Monday. Mr. Samson has visited the site numerous days and will be a lot of re-grading and re-seeding, needs to install gusset plates which are currently on order, and straightened up buttress blocks in back.

Mayor Kocher mentioned the water pouring through the structure with the recent rain.

Mr. Finelli has been looking at multiple vendors for different materials to fill inconsistent joints.

Mayor Kocher asked about the water running underneath blocks.

Mr. Finelli talked about drain and pavement wedge options.

Mr. Finelli said Samson has been very cooperative with the changes and would like to wait until he's finished until we address the remaining issues.

Mayor Kocher asked what the remaining cost would be to fix it.

Mr. Finelli indicated he does not know since he does not have any estimates for the various options.

Mayor Kocher requested Mr. Finelli work with Kevin to determine costs for each of the options before making a decision on which option to go with.

Mr. Finelli stated his office would not charge Mansfield any additional charges for any remaining salt shed work.

Mayor Kocher asked if Mr. Finelli had heard anything about the Heiser Rd grant.

Mr. Finelli indicated that although we did not hear he knows the recipients that did get grants received their notices so we did not get a 2016 grant.

CLERKS REPORT:

Mrs. Griffith stated that we received two applications to amend raffle licenses for Tri-County Fire Company, which would be changing the date of a 50/50 and an on-site raffle from 4/16 to 5/7.

Mrs. Korczukowski made a motion to approve the 50/50 and on-site raffle date change amendment from 4/16 to 5/7, which was seconded by Mr. Clancy.

Ayes: Mr. Watters, Mr. Clancy, Mayor Kocher, Mr. Misertino, Mrs. Korczukowski

Nays: None

Absent: None

Abstain: None

ORDINANCE:

2nd Reading:

Mayor Kocher opened public hearing for Ordinance 2016-04; seeing there were no comments the public hearing was closed.

**2016-04
CALENDAR YEAR 2016 ORDINANCE TO EXCEED
THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Mansfield in the County of Warren finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 0 % increase in the budget for said year, amounting to \$0.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Mansfield, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Mansfield shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$150,397 and that the CY 2016 municipal budget for the Township of Mansfield be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final

budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Watters made a motion to approve Ordinance 2016-04, which was seconded by Cindy Korczukowski.

Ayes: Mr. Watters, Mr. Clancy, Mayor Kocher, Mr. Misertino, Mrs. Korczukowski

Nays: None

Absent: None

Abstain: None

ADOPTION OF 2016 BUDGET

Tom Ferry discussed the budget being on 3 year cycle requiring State examination. The State questioned two software items, finance software and Infoshare as not be capitalizable. Mr. Ferry made a call to Drakowicz for opinion who confirmed that these software items are small capital purchases and bondable. If we are unable to sway State with this argument we will have to put these costs inside Cap and we just squeaked by under the Cap. This is just a public hearing on the introduced budget, if we have to amend the budget, if a line item increase is more than 5%, we would have to re-introduce amended budget.

Mr. Ferry reviewed municipal tax assessment.

Mr. Misertino made a motion to open public hearing for 2016 budget, which was seconded by Mr. Watters.

Ayes: Mr. Watters, Mr. Clancy, Mayor Kocher, Mr. Misertino, Mrs. Korczukowski

Nays: None

Absent: None

Abstain: None

PUBLIC COMMENT FOR THE 2016 BUDGET

Mr. Minter questioned under-statement of revenues from prior year to current year.

Mr. Ferry provided response that revenues are based on contractual agreements or percent calculation depending on specific item.

Mr. Minter asked about the Court Shared Service budget with revenue projection same as last year. Mr. Minter asked which Committee member negotiated shared service agreement.

Mr. Minter asked about various grants being shown as \$0 in 2016 but income is shown for 2015.

Mr. Ferry explained how Chapter 159 works with approving grant awarded money when received.

Mr. Minter questioned the farm lease item only being \$3,200 while the contract was for \$5,000.

Mr. Minter asked about Health Benefit waiver which is up \$9,000.

Mr. Clancy explained the opt-out and perhaps someone additional opted out.

Mr. Minter asked about the Open Space balance which Tom Ferry responded \$344,215.84.

Mr. Misertino asked how much has to be set aside for our portion of the Mt. Bethel Church.

RESOLUTION:

TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY

RESOLUTION # 2016 –51

TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Township of Mansfield received \$ 2,000.00 for Sustainable Jersey Small Grant funded by the PSEG Foundation and wishes to amend its 2016 budget to include a portion of this amount as a revenue

NOW, THERE, BE IT RESOLVED that the Township of Mansfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$ 2,000.00 that is now available as revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent

Of the Director of Local Government Services:

Public and Private Revenues Offset with Appropriations:

Sustainable Jersey Small Grant funded by the PSEG Foundation

BE IT FURTHER RESOLVED, that a like sum of \$ 2,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations

Operations – Excluded from caps Public and Private Programs

Offset by Revenues:

Sustainable Jersey Small Grant funded by the PSEG Foundation

BE IT FURTHER RESOLVED, that the Municipal Clerk forward two copies of this resolution to the Director of Local Government Services.

Mr. Clancy made a motion to approve Resolution 2016-51 which was seconded by Mr. Misertino.

Ayes: Mr. Watters, Mr. Clancy, Mayor Kocher, Mr. Misertino, Mrs. Korczukowski

Nays: None

Absent: None

Abstain: None

RESOLUTION # 2016-52

TOWNSHIP OF MANSFIELD

WARREN COUNTY, STATE OF NEW JERSEY

State Tax Appeal Refund

WHEREAS, the following property has a tax appeal overpayment balance of \$ 2,476.51 for the tax years 2007,2009,2010,2011, 2012, 2013, 2014 & 2015;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 27th day April 2016 that the Tax Collector and Township Finance Office are hereby authorized to refund the following overpayment:

Daniel G Keough, Trustee for
Sumo-Prime Corp
783 Springfield Avenue
Summit, NJ 07901-2332

Block 901 Lot 21.04
Refund: \$ 2,476.51

Mr. Misertino made a motion to approve Resolution 2016-52 which was seconded by Mr. Clancy.

Ayes: Mr. Watters, Mr. Clancy, Mayor Kocher, Mr. Misertino, Mrs. Korczukowski
Nays: None
Absent: None
Abstain: None

ORDINANCE:

2nd Reading:

Mayor Kocher opened for public comment; seeing there was none the public comment portion was closed.

ORDINANCE 2016-02

**ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF
NEW JERSEY AMENDING CHAPTER 12-1 OF THE CODE OF THE TOWNSHIP OF MANSFIELD
ENTITLED "FIRE PREVENTION"**

WHEREAS, the Township has reached an agreement with the Township of Washington, Morris County for the furnishing of Fire Prevention Services; and

WHEREAS, the Code of the Township of Mansfield currently provides that Fire Prevention Services are provided by the State of New Jersey, Department of Community Affairs Division of Fire Safety; and

WHEREAS, the Township Committee wishes to amend the Code to provide for a Shared Services Agreement with Washington Township, Morris County.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield, Warren County as follows:

Section 1. Chapter 12-1 entitled "Fire Prevention" of the Code of the Township of Mansfield is amended to read as follows:

Article I. Establishment

§ 12-1. Fire Prevention.

Under the powers and authority granted to the Township Committee by N.J.A.C. 5:71-2.3 et seq.

§ 12-1. Shared Services Agreement.

The Township Committee is authorized to enter into and execute a shared services agreement with Washington Township, Morris County for Fire Prevention Services. The salary of the Fire Prevention staff and the other costs of operating the department shall be allocated, as provided for in such agreement(s).

Section 2. All ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies.

Section 3. This Ordinance shall be effective on April 1, 2016 following passage and publication in accordance with law.

Mr. Watters made a motion to approve Ordinance 2016-02 which was seconded by Mr. Misertino.

Ayes: Mr. Watters, Mr. Clancy, Mayor Kocher, Mr. Misertino, Mrs. Korczukowski

Nays: None

Absent: None

Abstain: None

2016-03

AN ORDINANCE TO AMEND CHAPTER 12 "FIRE PREVENTION" OF THE CODE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY BE IT ORDAINED BY THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD

Section 12-3. The following sections of the Code of the Township of Mansfield are hereby amended to read as follows:

In addition to the registrations required by the Uniform Fire Code, the following non-life-hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year and shall pay an annual fee as set forth below:

	Use	Annual Fee
	A — Assembly Use Group	
	A-1 Eating establishment under 50	\$50.00
	A-2 Take-out food service (no seating)	\$50.00
	A-3 House of worship not exclusively used for religious purposes	\$50.00
	A-4 Recreation centers, multipurpose, etc. (fewer than 50)	\$75.00
	A-5 Court rooms, library, fraternal organizations, condominium centers (fewer than 50)	\$75.00
	A-6 Senior centers (fewer than 50)	\$75.00
	B — Business Use Group	
	B-1 Professional use one- and two-story (up to 1,000 square feet)	\$42.00

		B-2 One- and two-story (1,001 to 2,500 square feet)	\$50.00
		B-4 Three-to-five story (Less than 5,000 square feet) (5,001 to 10,000 square feet)	\$100.00 \$150.00
		B-5 Three-to-five story (10,001 square feet or greater)	\$190.00
	C — Retail/Mercantile Use Group		
		M-1 One- and two-story (less than 5,000 square feet)	\$125.00
		M-2 One- and two-story (more than 5,000 square feet and less than 12,000 square feet)	\$150.00
		M-4 Three- to five-story (less than 5,000 square feet)	\$200.00
		M-5 Three- to five-story (more than 5,000 square feet and less than 123,000 square feet)	\$225.00
	D — Manufacturing/Factory Group		
		F-1 One- and two-story (less than 5,000 square feet)	\$100.00
		F-2 One- and two-story (more than 5,000 square feet and less than 12,000 square feet)	\$125.00
		F-4 Three- to five-story (less than 5,000 square feet)	\$175.00
		F-5 Three- to five-story (more than 5,000 square feet and less than 12,000 square feet)	\$200.00
	S — Storage Use Group		
		S-1 One- and two-story (less than 5,000 square feet)	\$75.00
		S-2 One- and two-story (more than 5,000 square feet and less than 12,000 square feet)	\$125.00
		S-4 Three- to five-story (less than 5,000 square feet)	\$175.00
		S-5 Three- to five-story (more than 5,000 square feet and less than 12,000 square feet)	\$200.00
	R — Residential Use Group		
		R-1 1 to 2 units	See § 12-3B
		R-2 3 to 6 units	See § 12-3G
		R-3 7 to 12 units	See § 12-3G
		R-4 13 to 20 units	See § 12-3G
		R-5 Over 20 units	See § 12-3G
	U — Utilities Use Group		
		U-1 Under 2,500 square feet	\$100.00
		U-2 2,500 and over square feet	\$125.00
	E — Common Areas Use Group		
		E-1 One- and two-story (less than 5,000 square feet)	\$75.00
		E-2 One- and two-story (more than 5,000 square feet and less than 12,000 square feet)	\$100.00
		E-3 One- and two-story (more than 12,000 square feet)	\$125.00
		E-4 Three- to five-story (less than 5,000 square feet)	\$125.00
		E-5 Three- to five-story (more than 5,000 square feet and less than 12,000 square feet)	\$150.00
		E-6 Three- to five-story (more than 12,000 square feet)	\$200.00

B.

R-1 fees shall be as set forth in the Uniform Fire Code, N.J.A.C. 5:70-2.9(d).

C.

Uses not classified above that are subject to the Uniform Fire Code shall be classified as business uses.

D.

Uses required to register with the state as life-hazard uses shall not be required to register under this section.

E.

Vacant buildings which create a fire hazard shall be charged and inspected according to the previous use of the building.

F.

Township-owned buildings, buildings owned and occupied by municipal fire companies and/or rescue squads, buildings owned and occupied by nonprofit religious organizations that are used solely for religious purposes and buildings owned and occupied by nonprofit organizations used solely for nonprofit purposes shall be exempt from inspection fees.

G.

All residential uses except R-1 Uses shall be inspected in the common areas only and the fees established for the Common Areas Use Group shall apply.

§12-4 Enforcement, violations and penalties.

Enforcement, violations and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey.

§ 12-5 Fees.

All state permit fees and Fire Code status fees shall be as established by the Uniform Fire Code, N.J.A.C. 5:70-1.1 et seq.

Mr. Misertino made a motion to approve Ordinance 2016-03 which was seconded by Mr. Clancy.

Scott Cruts, Butler Park, asked if this would require inspections for Single Family Residences every year.

Mr. Wenner, Esq. stated that he was unable to pull up the code, but that these inspections are typically done on resale for smoke detectors, fire extinguishers, and carbon monoxide.

Mr. Watters inquired whether the fees are in line with ours. It was decided to table this adoption until next meeting.

Mr. Misertino requested that we not adjourn to Executive session given the amount of residents in the audience.

Mrs. Korczukowski made a motion to adjourn to executive session at 8:38p to discuss a personnel issue regarding DPW, contractual matter Professional Services and a Recreation issue, which was seconded by Mr. Clancy.

Ayes: Mr. Clancy, Mayor Kocher, Mr. Misertino, Mrs. Korczukowski

Nays: Mr. Watters

Absent: None

Abstain: None

Mr. Clancy made a motion to return to regular session at 9:13, which was seconded by Mr. Misertino.

Ayes: Mr. Clancy, Mayor Kocher, Mr. Misertino, Mr. Watters

Nays: None

Absent: Mrs. Korczukowski

Abstain: None

Mr. Wenner, Esq. stated that during Executive Session the Committee discussed a professional service contract and a personnel matter dealing with an employee, also a recreation matter, copies of these minutes will be available as soon as the Committee feels they are no longer a harm to the public interest.

Mr. Watters made a motion to approve attorney to take the action that was discussed dealing with Recreation, which was seconded by Mr. Clancy.

Ayes: Mr. Clancy, Mayor Kocher, Mr. Misertino, Mr. Watters

Nays: None

Absent: Mrs. Korczukowski

Abstain: None

PUBLIC PORTION:

Chief Jeff Stieh requested status on the tanker repair estimate that was provided.

Doug Stanzione provided list of current ambulances. Mr. Stanzione requested status on the meeting with the people Mr. Watters mentioned at the last meeting.

Mr. Watters responded that he was waiting for the current equipment information before scheduling a meeting.

Mr. Minter requested status of prior request for salt shed total expenditure.

Mayor Kocher responded with total of \$280,239 to date.

Mr. Minter asked what was amount of budget.

Mr. Minter requested a list of change orders.

Mr. Minter questioned Finelli's lack of definitiveness and management of the salt shed project and requesting committee's opinion on hiring a new engineer.

Mr. Minter asked how many fines have been issued.

Mr. Minter requested the status of the dilapidated homes inspection.

Mr. Minter asked if any action had been taken on the Meadows engineer RFP between Finelli and DiSessa.

Mr. Minter wanted to know how much the 80% Meadows inspection fees are going to be, how was a budget number determined.

Mr. Minter questioned the lack of detail in Executive session minutes and regular minutes and request Committee

review minute taking practices.

Mr. Minter requested that the meeting audio be published on the web site.

Mr. Minter had requested at a prior meeting administrative metrics and asked if they were available.

Mr. Minter made light of LUB packets condition and asked why the DPW Supervisor delivered it. He suggested the LUB members pick up their packets.

Carol Thompson questioned summons issued to NJ CARS. Mrs. Thompson called court regarding the May court date which had been postponed for 6 months and questioned who is responsible for the court date extension.

Mrs. Griggs questioned Open Space meeting minute's validity with regards to who is present and was concerned that a cancellation notice was not posted/published for non-members.

Mrs. Griggs questioned Ruth Pante's position and asked about whom makes sure minutes are valid and accurate.

Mr. Cruts asked if we are over budget on the salt shed still paying for design flaw issues.

Mayor Kocher provided some explanation to items that came up that were out of our control and Change Order issues.

Mr. Misertino explained regarding spreading of additional millings for future pole barn.

Mr. Cruts asked why we have not explored our legal recourse to current design issues. Mr. Cruts asked how we are going to recoup some of our money from the designer for design flaws.

Mr. Misertino indicated that we are waiting to address legal recourse; the Committee is waiting for the remedy.

Ms. Mora discussed having Finelli be the engineer for Meadows after the issues with the salt shed.

Mayor Kocher responded that the RFP was tabled because the whole committee was not here.

Mr. Clancy stated that there were only 3 Committee members present at the meeting.

Mr. Farino questioned what gives the Engineer's the ability to use percentages for a project like the township has going on. Mr. Farino explained that it has been stated that for projects like this an Engineer typically will get 5%. Mr. Farino asked if it is State law that dictates that billing would be done like this.

Mayor Kocher replied that she questions if this would be a cost saving method.

Mr. Farino stated that it was embarrassing that it was not explained the question of awarding the RFP and how it was stated that the difference between the two RFP's is .75 percent and that the Township could take the higher bid.

Mayor Kocher explained that the Township Committee is trying to navigate the waters of the settlement to see what would be the best for the Township.

Mr. Farino explained the reasoning behind the Boards thoughts with the application for the Meadows project.

Mr. Clancy stated that we are probably going to award the bid tonight.

Mr. Farino stated that he believes that the Committee should not be questioning more than one Engineer.

Mr. Misertino appreciated that the public had comments about the Committees actions, but this is preemptive to the Committee taking action and that he believes a percentage is a better way to gauge the amount to be paid out as opposed to doing an hourly rate.

Mr. Watters made a motion to award Meadows engineering contract to Pennoni, which was seconded by Mr. Clancy.

Ayes: Mr. Clancy, Mayor Kocher, Mr. Misertino, Mr. Watters

Nays: None

Absent: Mrs. Korczukowski

Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Misertino explained that Recreation is moving forward with inventory, populating RecDesk, working on budgets and will need to make new signage due to new RecDesk web address. They are looking to put more No Pet signs out.

Mr. Misertino mentioned the Recreation building door lock has issues. Mr. Ward said he would take a look at it. Also, a light on the pole next to Recreation building needs to be fixed.

Mr. Clancy announced that our K-9 has graduated and will be on the road at the end of May.

Mayor Kocher said she would share Don Proefrock's improvement suggestions for discussion at the next meeting.

Mayor Kocher talked about new Finance software and the success of the online tax sale.

Mr. Watters made a motion to adjourn at 10:12pm, which was seconded by Mr. Misertino.